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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-09-0749 MMC / MAG
)	
Plaintiff,	)	STIPULATION & [PROPOSED] ORDER
	)	CONTINUING DETENTION AND
vs.	)	IDENTIFICATION OF COUNSEL
	)	HEARING
CHRISTOPHER BRYAN ABLETT,)	
	)	Current Hearing Date: August 3, 2009
Defendant.	)	Time: 9:30 A.M.
	)	Judge: Hon. Maria-Elena James
)	
	)	Proposed Hearing Date: August 12, 2009
	)	Time: 9:30 A.M.
	)	Judge: Hon. Maria-Elena James

The above-captioned case is currently on calendar for a hearing before Magistrate Judge Maria-Elena James on August 3, 2009, at 9:30 A.M. The hearing is to address detention issues and any issues relating to identification of counsel.

Undersigned counsel for Mr. Ablett informed Magistrate Judge Chen at the arraignment on July 29, 2009, that it was possible that he and his office would not be able to take the appointment on this case. The Court appointed undersigned counsel for Mr. Ablett provisionally, pending resolution of the appointment. Since then, it has been determined that outside Criminal

1 Justice Act (CJA) counsel Richard B. Mazer—who has “learned counsel” qualifications for this
 2 murder case—will accept the appointment. However, Mr. Mazer will be out of town until
 3 August 10, 2009. Accordingly, the parties jointly propose that the hearing for identification of
 4 counsel and detention issues be continued until August 12, 2009 at 9:30 A.M. Mr. Ablett also
 5 has his initial appearance before the district court on August 12, 2009, at 2:30 P.M.

6 Counsel believes that this continuance is appropriate and for good cause within the
 7 meaning of 18 U.S.C. § 3142(f). Under section 3142(f), a defendant’s request for a continuance
 8 may not exceed five court days except on showing of good cause. Here, a change in counsel is
 9 imminent, and learned defense counsel for this murder case will be unavailable on the scheduled
 10 hearing date. Undersigned counsel for Mr. Ablett, who will seek to be relieved from the case on
 11 August 12, 2009, is not in a position to make strategic legal decisions on a case from which he
 12 will likely soon be relieved. For that reason, together with Mr. Mazer’s absence from the
 13 jurisdiction, it is appropriate to continue this case to August 12, 2009, and such reasons
 14 constitute good cause within the meaning of 18 U.S.C. § 3142(f).

15
 16 IT IS SO STIPULATED.

17
 18 July 30, 2009
 19 DATE

/s/
 JOSEPH P. RUSSONIELLO
 United States Attorney
 Northern District of California
 CHRISTINE WONG
 Assistant United States Attorney

20
 21
 22 July 30, 2009
 23 DATE

/s/
 LOREN G. STEWART
 Assistant Federal Public Defender
 Attorney for Christopher Bryan Ablett

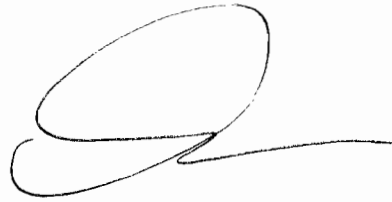
[PROPOSED] ORDER

For good cause shown pursuant to 18 U.S.C. § 3142(f), the hearing set for detention and identification of counsel now scheduled for Monday, August 3, 2009 is vacated. The matter shall be added to the Court's calendar on Wednesday, August 12, 2009 at 9:30 A.M. for detention and identification of counsel.

IT IS SO ORDERED.

7/31/09

DATE



HON. EDWARD M. CHEN
United States Magistrate Judge